

**REMARKS**

**I. INTRODUCTION**

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

**II. STATUS OF THE CLAIMS**

By the present amendment claim 1 is amended. Claims 1-3 are pending with claim 1 being the sole independent claim. It is respectfully submitted that no new matter is added herewith.

**III. SUMMARY OF THE OFFICE ACTION**

In the Office Action, claims 1-3 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; and claims 1-3 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Hanson* (U.S. Patent No. 3,591,983).

**IV. ARGUMENTS**

**A. Amendments to the Specification**

By the present amendment, at page 2, line 26 and page 4, line 24, "0 mm" is changed back to " $\infty$ ". Support for this amendment can be found in the originally filed specification at pages 2, line 26 and page 4, line 24. This amendment corrects an error in Applicant's Preliminary Amendment dated May 15, 2006 in which the element " $\infty$ " was inadvertently changed "0 mm".

Applicant believes no new matter has been added and respectfully requests entrance of the amendments to the specification.

**B. The rejection to Claims 1-3 under 35 U.S.C. § 112, first paragraph:**

In the Office Action, claims 1-3 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, claim 1 is amended to clarify that “vertical” is “the vertical line” and that the “departure angle” is the angle of departure which is between +45° and -45°. In addition the interval of 0 mm to 500 mm is replaced with “more than 500 mm”. Support for these amendments can be found in the specification at page 4, lines 21-24:

In accordance with tests carried out, it has been found that the angle of departure ( $\alpha$ ) must be between +45° and -45° and that the radius of curvature (R) must be between (straight rail(7) and 500 (maximum rail curve).

In other words, the angle of departure ( $\alpha$ ) is between +45° and -45° (as defined by the vertical line and the line of the initial upper curvature of rail 7, as seen in Fig. 1); and the curvature of the window trajectory is maximum when the radius (R in Fig. 1) is minimum or 500 mm and the curvature is minimum when the radius is maximum or  $\infty$ .

In view of the amendments to claim 1 and the explanation above, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 112.

**C. The rejection of Claims 1-3 under 35 U.S.C. § 102(b):**

In the Office Action, claims 1-3 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Hanson* (U.S. Patent No. 3,591,983). Applicant respectfully traverses.

Applicant believes *Hanson* fails to anticipate independent claim 1 because all of the limitations of the claim 1 are not identically found in *Hanson*. Even assuming the sash plate 42 and the cam channel 34 of *Hanson* could be considered the slider and rail, respectively, of the claimed invention, *Hanson* fails to teach the specific features of the window trajectory of claim 1. In particular, *Hanson* fails to teach a window trajectory that specifically has (1) an

angle of departure, defined by the vertical line and the initial upper curvature of the rail, that is between +45° and -45°, and/or (2) a curvature radius of more than 500 mm.

Anticipation requires that every limitation of a claim must identically appear in a prior art reference. See *Gechter v. Davidson*, 43 U.S.P.Q. 2d 1030, 1032 (Fed. Cir. 1997). It is clear that the limitations of an angle of departure that is between +45° and -45° and/or a curvature radius of more than 500 mm do not identically appear in *Hanson*. Absence from the prior art reference of any claimed element negates anticipation. See *Rowe v. Dror*, 42 U.S.P.Q.2d 1550, 1553 (Fed. Cir. 1997).

In view of the above discussion, Applicant request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) over *Hanson*.

#### V. CONCLUSION

In view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (001058-00036). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicants hereby petition under 37 C.F.R. 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

By: Tara L. Marcus

Tara L. Marcus

Reg. No. 46,510

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BLANK ROME LLP  
Watergate 600 New Hampshire Ave., N.W.  
Washington, D.C. 20037-2485  
(202) 772-5800 (Phone)  
(202) 572-8398 (Facsimile)